IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 9926 of 2004

Between:
M/s Tibrewala Insulations (S.C No.S-45080-III in the name of M/s Ganesh Engineering Industries Pvt.Ltd S.I.E RoadNo.3, Balanagar, Hyderabad rep. by its Managing Partner , Pankaj Tibrewala

..... PETITIONER

AND

1 Transmission corporation of AP. ltd., (AP. Transco) Rep.by its Chief Managing Director Vidyut Soudha, Khairatabab, hyd
2 The General Manager /Chief Engineer (Electrical) Central Power Distribution Company of AP., Ltd. (AP. Transco) Singareni Bhavan, Red Hills, Hyderabad
3 The Superintending Engineer Assessment , Central Power Distribution Company of AP., Ltd, (AP. Transco) 3-6-184, 4th Floor, Urdu Galli, Himayatnagar, Hyd
4 The Assistant Divisional Engineer , Electricity Distribution XVI, City-VI, Central Power Ditribution Company of AP., LTd. (AP. Transco) Balanagar, Hyderabad-37
5 The Assistant Accounts Officer , ERO., AO.-GRC , central Power Distribution Company of AP. Ltd (AP. Transco) Balangar, Hyd

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order of direction more particularly one in the nature of Writ of Mandamus, declaring the order passed by the 2nd respondent in Lr.NoCGM/HZ/HYD/SMRT/F.SC. No. S-45080/D.No.47/04 dt. 19/05/2004 confirming the order in proceedings No.SE/HYD/FCC-799/SAH.No.9064/D.No.1715 dt. 2/04/2002 of the 3rd respondent as highly illegal, arbitrary unjust and contrary to section 49-C(5) of the Indian Electricity (AP. Amendment) Act, 2000 and consequently set aside the same

Counsel for the Petitioner: MR.D.V.NAGARJUNA BABU, Advocate

Counsel for the Respondents: MR.KANAKAMEDALA RAVINDRA KUMAR , SC for TRANSCO

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner being aggrieved by the action of second respondent in not transferring the proceedings pending before him in Lr.No.CGM/HZ/Hyd/SMRT/F.SC.No.S-45080/D.No.47/04 dated 19-05-2004 to the Tribunal having jurisdiction, and in passing orders making an assessment with reference to the alleged pilferage of power.

2. According to the learned counsel for the petitioner, second respondent has no jurisdiction to assess the alleged pilfered value of power and it is only the Tribunal constituted under the provisions of the Indian Electricity (A.P. Amendment) Act, 2000 (for short 'the Act') which has to adjudicate upon and in fact he sought for transfer of the proceedings to the appropriate Tribunal in terms of Section 49-C(5) of the Act. But, second respondent without following the same, passed the order. According to the petitioner, the impugned order passed by second respondent is illegal and without jurisdiction. At the time of hearing, the learned counsel for the petitioner also stated that the issue in question is also

covered by a judgment of this Court in the case of *CHEEDI RAMA RAO v. TRANSMISSION CORPORATION OF A.P. Ltd., (A.P. TRANSCO) rep. BY ITS CHIEF MANAGING DIRECTOR AND OTHERS*[1]. Therefore, sought for passing of similar order.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel.

4. The learned Standing Counsel has fairly conceded that the issue is covered by the judgment of this Court referred to above.

5. In view of the above judgment of this Court, the impugned order of second respondent dated 19-05-2004 is set aside and the matter is restored to his file, with a direction to transmit the same to the appropriate Tribunal having jurisdiction to adjudicate upon the issue in dispute.

6. Accordingly, the writ petition is disposed of at the admission stage itself. No costs.

21st June, 2004

ASSISTANT REGISRAR

//True Copy//

SECTION OFFICER

To

1 The Chief Managing Director, Transmission corporation of AP.

ltd., (AP. Transco) Vidyut Soudha, Khairatabab, hyd
2 The General Manager /Chief Engineer (Electrical) Central Power Distribution Company of AP., Ltd. (AP. Transco) Singareni Bhavan, Red Hills, Hyderabad
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5 The Assistant Accounts Officer , ERO., AO.-GRC , central Power Distribution Company of AP. Ltd (AP. Transco) Balangar, Hyderabad.
6 Two CDs.

Note: Furnish CC in three days.

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[1] 2003 (4) ALT 267